

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Audible Magic Corporation,

Defendant.

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Case No. 6:15-cv-584

Lead Case

Jury Trial Demanded

**DECLARATION OF RANDALL T. GARTEISER IN SUPPORT OF BLUE SPIKE’S SURREPLY IN
OPPOSITION TO AUDIBLE MAGIC’S MOTION FOR RECONSIDERATION AND OBJECTIONS
TO MAGISTRATE JUDGE CRAVEN’S REJECTION OF *DAUBERT* LETTER BRIEFS**

I, Randall T. Garteiser, declare as follows:

1. I am a partner in the law firm, Garteiser Honea, PLLC. We represent Plaintiff Blue Spike, LLC (“Blue Spike”) in this lawsuit. I make this declaration in support of Blue Spike’s Surreply in Opposition to Audible Magic’s motion for Reconsideration and Objections to Magistrate Judge Craven’s Rejection of *Daubert* Letter Briefs. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit 1 is a true and correct copy of an excerpt from the transcript of the deposition of Dr. Yannis Papakonstantinou, taken on July 8, 2015.

I declare, on August 17, 2015, in Smith County, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Randall T. Garteiser
Randall T. Garteiser